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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/576,954	04/24/2006	Sergio Quinta	P08913US00/BAS	2350
881	7590	08/22/2007		
STITES & HARBISON PLLC 1199 NORTH FAIRFAX STREET SUITE 900 ALEXANDRIA, VA 22314			EXAMINER LEUNG, PHILIP H	
			ART UNIT 3742	PAPER NUMBER
			MAIL DATE 08/22/2007	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/576,954

Applicant(s)

QUINTA, SERGIO

Examiner

Philip H. Leung

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-5 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-5 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 24 April 2006 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
- 1) ☒ Certified copies of the priority documents have been received.
 - 2) ☐ Certified copies of the priority documents have been received in Application No. ____.
 - 3) ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date 2-1-2007.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____.
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: ____.

DETAILED ACTION

1. The drawings filed 4-24-2006 are objected to because the hatching of block 1 and element 3 is incorrect for a metallic material. Furthermore, the lead lines are faded and the figure legend is not uniform and unclear. Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as “amended.” If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either “Replacement Sheet” or “New Sheet” pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

2. The title of the invention is not descriptive. A new title is required that is clearly indicative of the invention to which the claims are directed.

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3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

4. Claims 1-5 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

The claimed scope is unclear. It is not certain if the claims are drawn to a microwave blocker apparatus as the preamble suggests or to a combination of a microwave oven with the blocker as indicated by the claimed limitation "microwave ovens installed at the entrance, front part and also at the exit, hinder part, of an opening microwaves oven turning round the oven's entrance and exit allowing the free passage of the materials to be processed". Furthermore, all the limitations in the dependent claims are not clear because it is not clear if "a chamber" in claims 2-4 is the same "chamber" as claimed in claim 1. Also, the claimed structure in these limitations is not clear because they include numerous functional and intended use statements. For instance, "which size, from the oven's entrance and exit, must avoid that a person's hands or arms touch the oven's interior" in claim 2; "any others" and "with volume, quantity or thickness capable to attend the standards of security prescribed at technical rules for levels of exposition to the microwaves" in claim 3 and "used opened or closed for wood's thermic treatment with the objective to reduce the wood's and improve the dimensional stability" in claim 5. Therefore, these claims are vague and indefinite, as the claimed scope is not known. Clarification and correction are required.

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5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

6. Claims 1-5, as far as the claims are understood and proper are rejected under 35 U.S.C. 102(b) as being anticipated by Dudley et al (US 4,488,027).

Dudley shows a microwaves blocker apparatus 18, 80 for opening microwave ovens installed at the entrance, front part and also at the exit, hinder part, of an opening microwaves oven 11 turning round the oven's entrance and exit allowing the free passage of the materials to be processed, characterized by a chamber constructed of dielectric material 42 (see Figures 5-8) and surrounded by metallic material 38, which dimensions and forms follow the oven's shape in which it is installed (see Figures 1, 3-8 and 10 and col. 4, line 15 – col. 7, line 33). In regard to claim 3, see col. 5, lines 12-13 and col. 6, lines 18-31. In regard to claim 4, see col. 5, lines 14-16. In regard to claim 5, the use of the oven for treatment of wood is only an intended use and adds little patentability weights to the claimed structure as Dudley can be used for treating wood material also because the use of microwave energy for heat-treating wood is well known.

7. Edgar (US 3,749,874) is further cited to show a microwave tunnel oven with a blocker 14 and a blocker 16 sandwiching the oven chamber 12 to be well known in the art.

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Philip H. Leung whose telephone number is (571) 272-4782.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tu Hoang can be reached on (571)-272-4780. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

A handwritten signature in black ink, appearing to read "Philip H. Leung". The signature is fluid and cursive, with the first name "Philip" and last name "Leung" clearly distinguishable.

Philip H Leung
Primary Examiner
Art Unit 3742

P.Leung/pl
8-15-2007